

REMARKS

Favorable reconsideration of this application, in view of the present amendments and in light of the following discussion, is respectfully requested.

Claims 1 and 3-21 are pending and Claims 1, 4, 5 and 12, 13 and 15-21 are amended. No new matter is introduced.

In the Office Action of October 11, 2012, the drawings were objected to under 37 C.F.R. § 1.83(a); the specification was objected to; the Examiner requested clarification regarding the claim for priority; Claim 1 was rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement; Claims 1, 2 and 11 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite; the Examiner made a finding with regard to Claim 12 invoking 35 U.S.C. § 112, sixth paragraph; and Claims 1-21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Møller et al. (Occurrence of Different Cancers in Patients with Parkinson's Disease, BMJ Vol. 310, June 10, 1995, hereinafter Møller) in view of Flagg (U.S. 6,456,979 B1).

Initially, Applicants wish to thank Examiner Maicher, and his Supervisor, Examiner Gart, for the courtesy of a personal interview conducted with Applicants' representatives on February 22, 2012. During the interview, the outstanding issues in this case were discussed as summarized in the Interview Summary, which the Examiner has made of record.

Further to comments made in the amendment filed February 13, 2012, and as discussed during the above-noted personal interview, Claim 1 is further amended to address the 35 U.S.C. §112, first paragraph, rejection. Accordingly, it is respectfully requested that the rejection of Claim 1 under 35 U.S.C. §112, first paragraph, be withdrawn.

Further to comments made in the amendment filed February 13, 2012, and as discussed during the above-noted personal interview, Claim 12 is further amended to address the 35 U.S.C. §112, sixth paragraph, rejection. Accordingly, it is respectfully requested that the rejection of Claim 1 under 35 U.S.C. §112, sixth paragraph, be withdrawn.

In reply to the rejection of Claims 1-21 as being unpatentable over Møller and Flagg, amended Claim 1 recites, *inter alia*, a method that includes:

producing, using the analysis module, a risk characterization value for the respective risk class on the basis of the comparison of the relative occurrence parameters, ~~with~~ the risk characterization value determining the probability of occurrence of the risk event,

wherein, for a specific combination of risk classes, a risk characterization value is determined using the analysis module and is compared with available empirical data records for the purpose of characterizing the product or the population, where risk characterizations situated within a definable threshold value are associated with the risk class (Emphasis added.)

Turning to the applied reference, Møller describes expected numbers of cases of cancer calculated from the person years at risk among cohort members and relative risks as ratios of the observed to the expected number of cases of cancer.¹

The outstanding Office Action identifies the “Expected No.” and “Relative Risk” described in Møller as describing the “expected value” and “relative occurrence parameter” recited in Claim 1 and identifies “the linkage of a multiplicity of products” as intended use.² However, as discussed during the personal interview, it is unclear as to how intended use applies to this feature. Further, Møller does not describe producing a risk characterization value for the respective risk class on the basis of the comparison of the relative occurrence

¹ Møller at page 1500.

² Outstanding Office Action at page 7.

parameters, where the risk characterization value determines the probability of occurrence of the risk event.

Instead, Møller merely describes expected numbers of cases of cancer calculated from the person years at risk among cohort members and relative risks as ratios of the observed to the expected number of cases of cancer.³ Nowhere does Møller describe performing a comparison of the relative risks of cancer, much less producing a risk characterization value for the respective risk class based on a comparison of the relative risks of cancer, where the risk characterization value determines the probability of occurrence of the risk event.

Conversely, amended Claim 1 recites *producing a risk characterization value for the respective risk class on the basis of the comparison of the relative occurrence parameters, where the risk characterization value determines the probability of occurrence of the risk event*. Therefore, Møller fails to describe the method of amended Claim 1 and Flagg fails to cure this deficiency in Møller.

Turning to Flagg, Flagg describes evaluating permanent life insurance policies for cost and performance criteria.⁴ Specifically, Flagg describes an industry-based Cost of Insurance (COI) that is applied to a gender-based risk class (70).⁵

The outstanding Office Action identifies the “Cost of Insurance (COI)” described in Flagg as describing the features recited in amended Claim 1.⁶ Flagg, however, does not describe that, for a specific combination of risk classes, a risk characterization value is determined using the analysis module and is compared with available empirical data records

³ Møller at page 1500.

⁴ Flagg at column 1, lines 5-8.

⁵ Flagg at column 23, lines 35-65; See Figure 2.

⁶ Outstanding Office Action at page 8.

for the purpose of characterizing the product or the population, where risk characterizations situated within a definable threshold value are associated with the risk class.

Instead, Flagg merely describes applying an industry-based Cost of Insurance (COI) to a gender-based risk class (70).⁷ Nowhere does Flagg describe determining a risk characterization and comparing the risk characterization with empirical data records for the purpose of characterizing the product or the population, much less that risk characterizations situated within a definite threshold value are associated with the risk class.

Conversely, amended Claim 1 recites *that, for a specific combination of risk classes, a risk characterization value is determined using the analysis module and is compared with available empirical data records for the purpose of characterizing the product or the population, where risk characterizations situated within a definable threshold value are associated with the risk class*. Therefore, Flagg fails to describe the method of amended Claim 1 and Møller fails to cure this deficiency in Flagg.

For the above-noted reasons, no combination of Møller and Flagg describes every feature recited in amended Claim 1 and amended Claim 1, together with any claims depending therefrom, is believed to be in condition for allowance.

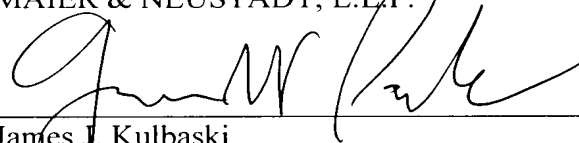
Moreover, Claims 12 recites features corresponding to those recited in amended Claim 1 and are thus believed to be in condition for allowance, together with any claims depending therefrom. Accordingly, it is respectfully requested that the rejection of Claims 1-21 under 35 U.S.C. §103(a) be withdrawn.

⁷ Flagg at column 23, lines 35-65; See Figure 2.

For the reasons discussed above, no further issues are believed to be outstanding in the present application and the present application is believed to be in condition for formal allowance. Therefore, a Notice of Allowance for Claims 1 and 3-21 is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, L.L.P.

A handwritten signature in black ink, appearing to read 'James J. Kulbaski', is written over a horizontal line.

James J. Kulbaski
Attorney of Record
Registration No. 34,648

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413-2220
(OSMMN 08/09)

Jonathan W. Parthum
Registration No. 64,082